

MR2847-13
Serial Number: 10/825,423
Response to Office Action dated 12 November 2008

REMARKS

This case has been carefully reviewed and analyzed in view of the Office Action dated 12 November 2008. In that Office Action, the Examiner rejected Claims 1 and 14-16 under 35 U.S.C. §101 as not falling within any statutory category of invention. The Examiner stated that Claims 1 and 4-16 recite a series of steps or acts to be performed, but concluded that such steps or acts neither transform underlying subject matter nor positively tie to another statutory category (such as a particular apparatus).

It is respectfully noted that the claimed method is directed to the control of “ON/OFF switching of an LED light source in a scanner,” as the preamble of each independent Claim clearly recites. Each independent Claim recites in part the affirmative step of “switching” a certain “LED” (light emitting device) light source on and off.

As the Examiner acknowledged during the interview, this plainly establishes a tie to an actual apparatus, namely, a light emitting device light source. As such, the pending Claims do in fact fall well within one of the statutory categories of invention. Accordingly, withdrawal of the rejection is respectfully requested.

It is believed that the subject Patent Application is now condition for allowance, and such action is respectfully requested.

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If there are any charges associated with this filing, the Honorable Director for Patents & Trademarks is hereby authorized to charge Deposit Account #18-2011 for such charges.

Respectfully submitted,
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I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office, Art Unit # 2625 facsimile number 571-273-8300 on the date shown below.

FOR: ROSENBERG, KLEIN & LEE

2/5/2009
Date